

**Special Courts Committee
Judicial Conference of Indiana**

August 21, 2009
Minutes

1. Members present. The following members of the Committee were present: Kenneth Abbott, J. Richard Campbell, Randy Coffey, Matthew Cox, Jennifer DeGroote, Glenn Hancock, George Hoffman, Stephanie LeMay-Luken, Michael Pagano, Russell Sanders, Richard Tandy, and Peggy Lohorn, Chair.
2. Staff present. Michelle C. Goodman provided the Committee with staff assistance.
3. Guests. Michael Hartman, Judicial Improvement Committee Chair of ISBA; Chris Trapp, Attorney; Steve Learch, Indiana Creditor Bar Association President; Lynne Sullivan, Executive Director, Indiana Apartment Association; and Steve Bodi, Government Relations Committee Chairperson, Monroe County Apartment Association.
4. Approval of minutes. The Committee unanimously approved the minutes from the May 2009 meeting.
5. Small Claims Rule 2(B). The Committee heard from Mr. Michael Hartman, Mr. Chris Trapp, and Mr. Steve Learch concerning the provision of itemized statements under Small Claims Rule 2(B). Each presenter discussed the variety of practices seen across the state regarding the use of itemized statements and what information would be necessary and useful to include on a standardized form. The Committee received input from these guests on a draft statement of account form. The Committee also received a draft proposal that would require such a form under both Small Claims Rule 2 (B) and Trial Rule 9.2. The Committee requested the following changes be made to the draft statement of account form: add the charge off date/amount, add an affirmation that defendant is not currently on active military duty or incompetent, and add a statement regarding compliance with Evidence Rule 803 concerning review of business records for form required under Trial Rule 9.2. The Committee requested that these revisions be prepared for review at the next meeting.
6. Small Claims Rule 8. The Committee heard from Mr. Steve Bodi regarding concerns with Small Claims Rule 8(C) and he requested that the \$1500 limit be increased and clarification that possessory actions do not fall within that limit. The Committee discussed the varying practices. The Committee agreed to develop an affidavit to be used by full-time employee designees to demonstrate affirmative waiver of damages in excess of \$1500 to permit them to proceed on the possessory action portion of the case. The Committee again discussed the issue of increasing the \$1500 limit in the rule. A motion was made and seconded to retain the current limit in the rule. The motion passed by a vote of 9-2.
7. City and Town Court Manual. The Committee reviewed the following sections and proposed amendments:

- a. Section 20.2 – approved
 - b. Section 20.4 – approved
 - c. Section 30.0 – approved amendments to pages 6-9, 9-10, and proposed addition
 - d. Section 30.1 – approved
 - e. Section 70.0 – approved
 - f. Section 10.2 – approved, staff will include appropriate materials on interpreters
 - g. Section 20.3 – approved
 - h. Section 50.0 – approved with proposed amendment.
8. 2009 Meeting Schedule. The schedule of meeting for 2009 is:
Friday, November 6, 2009
All meetings will be held at the Indiana Judicial Center at 11 a.m.

Respectfully submitted,

Michelle C. Goodman
Indiana Judicial Center